

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 05 10596 NMG

THOMAS KELLEY,	)
Plaintiff,	)
	)
VS.	)
	)
TOWN OF PLYMOUTH and	)
ROBERT J. POMEROY, as Chief of the	)
Plymouth Police Department and	)
Individually,	)
Defendants.	)

**DEFENDANTS' OPPOSITION TO PROPOSED PROTECTIVE ORDER**  
**(DOCUMENT 43)**

Now come the Defendants in the above-referenced matter and hereby oppose the proposed Protective Order filed by the Plaintiff Thomas Kelley ("Kelley") on December 19, 2006, and received by Defendants on the same date. (Document 43).

The parties appeared before the Court on December 4, 2006 relative to the Defendants' Motion To Compel and Kelley's response in the form of a Motion for Protective Order. At said hearing the Court allowed the Defendants' Motion to Compel further time (two hours) for taking Kelley's deposition as it related to a Plymouth Retirement Board executive session meeting. Kelley's counsel requested that the continued deposition be subject to a Protective Order for publicity reasons. Kelley has now filed a proposed Protective Order, which goes well beyond what was requested. Specifically, Kelley's proposed protective order attempts to limit the questioning of Kelley to particular records and, therefore, limit the particular questions of Kelley.

In Court, Kelley's counsel had asked for a Protective Order to prohibit dissemination of the upcoming deposition to the public and press. The Defendants did (and do) not object. Kelley now seeks something completely different. Kelley now proposes a Protective Order specifically to limit the questioning of Kelley to only particular documents produced by the Retirement Board. The Defendants object to the proposed protective order on the grounds that they should be able to inquire of Kelley's participation at the Executive Session Meeting without limitation to particular documents produced by the Retirement Board, if those questions and documents pertain to that Executive Session Meeting.

For the above-referenced reasons, the Defendants respectfully request this Court not enter the proposed Protective Order submitted as Document 43 of this case.

Respectfully submitted,  
DEFENDANTS,  
ROBERT J. POMEROY and the  
TOWN OF PLYMOUTH,  
By their attorneys,

/s/ Jeremy I. Silverfine  
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Dated: December 20, 2006